

TIVERTON TOWN COUNCIL AGENDA

Tiverton Town Hall

343 Highland Road

Tiverton, Rhode Island 02878

Regular Meeting: Monday, April 09, 2012 at 7:00 p.m.

NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 forty-eight (48) hours in advance of the meeting date.

DATE POSTED: 04-05-2012

1. PLEDGE OF ALLEGIANCE TO THE FLAG

2. ROLL CALL

Jay Lambert-President Robert D. Coulter Edward Roderick

Cecil E. Leonard-Vice President David M. Nelson

Joan B. Chabot Brett N. Pelletier

3. APPROVAL OF CONSENT AGENDA

All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be

removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

4. A. BUSINESS BROUGHT BEFORE THE COUNCIL

TOWN COUNCIL PROCLAMATION

NATIONAL LIBRARY WEEK APRIL 8 TO APRIL 14, 2012

CONSENT AGENDA:

(C.A.) 1. a. Approval of Minutes from Special Council Meeting /Workshop February 6, 2012

(C.A.) 2. Receipt of Minutes from the Following Boards, Commissions

a. Board of Canvassers (2)

b. Recycling/Landfill Committee (2)

c. Wastewater Management Commission (2)

(C.A.) 3. Correspondence – Receive and File

a. Received From Town Council of the Town of Burrillville – Resolution to Oppose 2012- H77617,H7618, H7619 and H7620 - Opposing Acts Relating to Labor and Labor Relations

b. Received From Town of Glocester-Town Council– Resolution to Oppose 2012-H7617 Opposing Binding Arbitration for Teacher and Other School Employee Contracts

c. Received From Town of Cumberland School Committee – Resolution in Support of 2012-H 7272 Moving the Teacher Layoff Deadline Notice to June 1

- d. Received from Cumberland School Committee – Resolution Opposing 2012-H7617 and H7620 that Mandates Binding Arbitration
- e. Received from Cumberland School Committee – Resolution Opposing H-7250 and S2532 that Mandates Expired Teacher Contracts Must Continue At The Existing Terms And Conditions
- f. Copy of Correspondence Received From Representative Edwards to Governor Chaffee

A-1 OPEN PUBLIC FORUM

Public Forum for Announcements, Comments, Questions

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

C. BOARD OF LICENSING

- 1. Susan’s Restaurant, Inc. – Amending Conditions of BV Liquor License – Review of Floor Plan

D - APPOINTMENTS & RESIGNATIONS:

1. Resignations:

- a. Cemetery Commission Resignation – Peter J. Sullivan
- b. Fogland Beach Oversight Committee Resignation – Duncan Merriman

2. Appointments

**Town Representative to CRMC – Bruce Cox, Harbor Commission
Chair**

**Juvenile Hearing Board – Patrick Meyers, 211 Judson Street (
Vacancy -2nd Alternate)**

3. Appointments and Reappointments Group A

a. Arts Committee

Re-appointment Request (Two Year Term Exp April 15, 2014)

Richard C. Sardinha, 21 Sterling Drive

New Request (One Vacancy- Term to Exp April 15, 2014)

Alyssa Wood, 115 Old Bulgarmarsh Road

b. Conservation Commission

Re-appointment Request - (Three Year Term to Exp April 15, 2015)

Richard Guimond, 37 Neck Road

c. Historical Cemeteries

Re-appointment Request (Three Year Term to Exp April 15, 2015)

James L. Spears, 494 West DeMello Drive

New Request – Cary Bailey, 27 Sloop Lane

d. Open Space and Land Preservation Committee

Re-appointment Requests (Three Year Terms to Exp April 15, 2015)

Ginger Lacy, 43 Whiffletree Lane

John Philip Schuyler, 85 South Avenue

Martin Van Hof, 170 Bulgarmarsh Road

e. Recreation Commission

Re-appointment Request (Three Year Term to Exp April 15, 2015)

Chris Roemlein, 73 High Hill Road

f. Wastewater Management Commission (Three Year Term to Exp April 15, 2015)

Re-appointment Request

Noel Berg, 281 Indian Point Road

g. Tree Commission (Four Year Term to Exp April 15, 2016)

Re-appointment Request – Peter Moniz

E - UNFINISHED BUSINESS:

1. Councilor Leonard – Update of Comprehensive Community Plan – Continued From March 26th

Council Discussion and Possible Vote on One or More Issues Including But Not Limited to

Best Process, Including Creation of a Broad Based Citizen Group to Prepare a Current

Comprehensive Community Plan for Submission to the Appropriate State Agencies on or

Before the 2014 Due Date

2. Councilor Coulter - Property Tax Relief Measures—Various Initiatives

Continued From March 26th Meeting

a. Distribute Interim Status Report on Pending Property Tax Relief Initiatives

b. Request Town Solicitor Prepare Draft Ordinance Under RIGL 44-5-8.1 (Waiver of Interest on Overdue Quarterly Tax Payments) by May 28th for Town Council to Then Consider Setting for Future Hearing

c. Request Town Administrator Coordinate Estimates of Revenue Impact or Burden Shifting From Various Initiatives by May 28th

d. Further Action on Low Income Elderly Property Tax Exemption Discussed at Last Meeting

3. Councilor Coulter – Boards, Commission and Committees Policy – Staffing of Ad Hoc Committees

a. Respond to Item Raised at Open Public Forum Regarding Charter Requirements and/or Policy Guidance for Members of Ad Hoc Committees

b. Request Formal Solicitor Legal Opinion on Whether Charter Requirement That Town Board Members be Electors Also Applies to Ad Hoc Committees

4. Councilor Leonard – Discussion and Possible Vote Opposing

House Bill 2012-H 7866 Regarding Zoning – Continue From March 26th Meeting

F – FINANCIAL BUSINESS:

- 1. Town Administrator – Brief Update on Budget Committee Approved Recommendations for Municipal Budget**
- 2. Town Administrator – Brief Update on Police Pension Experience Study and Actuarial Report**
- 3. Town Administrator – Office of Municipal Revenue – Notice of Proposed Tax Rate Change**

G - NEW BUSINESS:

- 1. Phil's Propane- Philip Viveiros- Request Permission/Waiver to Hold 60th Anniversary/Appreciation Party Outdoors Behind 477 Crandall Road on June 9th from 1pm to 5pm**
- 2. DPW Director Berlucchi- Possible Expanded Role of Recycling/Landfill Committee**

H – BIDS AND REQUESTS FOR PROPOSALS

1. Chris Spencer, Town Planner

- a. Brief Presentation on Form Based Codes**
- b. Request to Issue Proposal for Form Based Codes**

I - TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS

J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS

K – TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS

1. Brief Update on Tiger Tree/James Pelletier v Tiverton

- a. Superior Court Order Dated March 23, 2012**
- b. RIDEM Notice to Mr. Pelletier Dated March 16, 2012**

2. Financial Town Referendum Issues Including Possible Resolution Vote

Memorandum Regarding FTR Questions, Tax Levy and General Resolutions

3. Tiverton School Committee v Town of Tiverton (2009/2010)

- a. **Solicitor Memorandum to Budget Committee Chair Dated March 27 Regarding 2012/13 Schools Appropriation**
 - b. **Councilor Pelletier Request for Consideration of a Motion**
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- 4. **Tiverton School Committee v Town of Tiverton (2010/2011)**
 - 5. **Tiverton School Committee Potential Future Litigation**
 - 6. **Ethics Committee Filing Reminder**

L- TOWN CLERK ANNOUNCEMENTS

- 1. **Possible Change of Dates for May Town Council Meetings**
- 2. **Brief Update on FTR Process**

5. CLOSED EXECUTIVE SESSION

- 1. **Litigation – 42-46-5(a)(2) - Tiverton School Committee v Town of Tiverton (2009/2010)**
- 2. **Litigation -42-46-5(a)(2) - Tiverton School Committee v Town of Tiverton (2010/2011)**
- 3. **Litigation – 42-46-5(a)(2) – Tiverton School Committee Potential Future Litigation**
- 4. **Litigation -42-46-5(a)(2) - Tiger Tree/James Pelletier v Tiverton**

A portion of this meeting may be held in executive session pursuant to the Open Meeting Law, Section 42-46-5(a) of the General Laws of Rhode Island, 1956 (1986 Reenactment), as amended

6. ADJOURNMENT Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”